

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

**REMARKS**

Claims 1-53 are all the claims pending in the application. Claims 31 and 42 are being amended. No new matter has been introduced.

I. Claim Rejections Section 112

The Examiner has rejected claims 31-42 under 35 U.S.C. 112, as being allegedly indefinite. In response, Applicants make appropriate amendments to claims 31 and 42 to remove the alleged antecedent basis problems. Applicants' amendments are believed to be fully responsive to the Examiner's rejection and the amended claims and their dependents are believed to be allowable.

II. Claim Rejections Section 103

Claims 1-28, 30, 43-49 and 51-53

The Examiner has rejected claims 1-28, 30, 43-49 and 51-53 under 35 U.S.C. 103(a) as being allegedly unpatentable over Stewart (U.S. patent No. 6,389,112) in view of Lindholm (U.S. patent No. 6,477,207). Applicants respectfully traverse this rejection in view of the following arguments.

In the Office Action, the Examiner admits that Stewart does not teach or suggest the claimed network that supports at least audio and video communications. Thus, the Examiner attempts to combine Stewart with Lindholm in order to fulfill the aforesaid deficiency of Stewart. Applicant agrees Lindholm (U.S. 6,477,207) and McNamara (U.S. 5,974,139) teach VDSL and/or ADSL systems for superimposed transmission of high-bandwidth data channels at rates that can support transmission of compressed video signals. However, the combination of

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

Stewart and Lindholm still does not result in the claimed multimedia network that supports at least audio and video communications. Specifically, neither Stewart nor Lindholm teaches or suggests virtually every required aspect of multimedia networks, including high-throughput switching, appropriate network architecture, data transmission protocols applicable for the control and transport of digital signals, and endpoint terminal technologies compatible with these so as to realize video capture, encoding, compression, transmission, reception, decoding, decompression, and display necessary for the implementation of the claimed multimedia network that supports at least audio and video communications. Thus, simply adding VDSL/ADSL teaching of Lindholm to a transmission telephony system of Stewart simply does not result in the claimed multimedia network that supports at least audio and video communications. Similarly, adding Lindholm to Stewart also does not teach or suggest the claimed multimedia collaboration system network that supports at least audio and video communications. For this reason, independent claims 1, 43, 44 and 52 are patentable over the combination of Stewart and Lindholm.

In addition, with respect to independent claims 1, 42 and 52, Applicants respectfully submit that the event elements recited in those claims include those occurring within an underlying multimedia collaboration system network that is explicitly claimed to fully support at least audio and video communications. Thus, simply adding ADSL/VDSL transmission technology of Lindholm to telephonic loop plant of Stewart does not meet the explicit limitations of the aforesaid claims 1, 42 and 52.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

Further, nowhere in Stewart is there found any mention of loop plant, wiring, or cabling to which the Lindholm and McNamara references could then be applied. Similarly, nowhere in Lindholm and McNamara is there found any mention of monitoring, alarms, network controls or anything that could be subsequently be linked into the system of Stewart. The aforesaid references are thus not properly combinable and, for this reason, the Examiner's obviousness rejection fails. Explicitly, not a single aspect of Lindholm or McNamara applies to any element of the claimed invention (outside of the flawed suggestion that they somehow in isolation can transform a telephony system into a multimedia communications network).

Moreover, the claimed event reporting process is very different from the method of operation of the system of Stewart. Specifically, claim 1 recites reporting module for receiving query information from a user and for generating a report in accordance with the query information using the event information recorded in the database module. Claims 31, 42-44 and 52 recite generating the analysis report in accordance with database query information. Neither Stewart nor Lindholm teach or suggest the features recited in the above claims. In more detail, in the system of Stewart, the reports are being generated based on a filter programmed before any events occur which then subsequently identifies and records only events of interest. After these (and only these) events of interest are detected, the system of Stewart automatically generates reports and provides them to the network system administrator; see Stewart, col. 7, lines 6-46. Thus, in Stewart, the reports are not being generated based on query information applied to the collection of overall event information recorded in the database module, as recited in claim 1. In addition, the reports of Stewart are not generated in accordance with database

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

query information, as recited in claims 31, 42-44 and 52. Therefore, claims 1, 31, 42-44 and 52 are patentable for this additional reason as well.

With respect to the rejection of dependent claims 2-28, 30, 45-49, 51 and 53, while continuing to traverse the Examiner's characterization of the teachings of Stewart and Lindholm used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable amended independent claims 1, 43, 44 and 52.

Claims 31-39, 41 and 42

The Examiner has rejected claims 31-39, 41 and 42 under 35 U.S.C. 103(a) as being allegedly unpatentable over Stewart (U.S. patent No. 6,389,112) in view of Lindholm (U.S. patent No. 6,477,207) and further in view of McNamara (U.S. patent No. 5,974,139). Applicants respectfully traverse this rejection in view of the following arguments.

With respect to the rejection of claims 31 and 42, Applicants respectfully submit that the above patentability argument regarding the manner of operation of the inventive event report generation system fully applies to claims 31 and 42, which recite a report generation system configured to generate an analysis report from the monitored event information stored in the database in accordance with the database query information. Specifically, as stated above, none of the cited prior art references of record teach or suggest the aforesaid claimed manner of report generation. Therefore, claim 31 and 42 are patentable.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

Additionally, Applicants respectfully submit that Stewart fails to teach or suggest the claimed data network for sharing data among plurality of workstations. In the Office Action, the Examiner has alleged that the aforesaid teaching appears in Figure 1 of Stewart. In response, Applicants carefully examined the aforesaid figure but could not find any such teaching. When the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such teaching or suggestion appears in the reference. See *In re Rijckaert*, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993). Therefore, Applicants respectfully request the Examiner to indicate where in Figure 1 does Stewart show the claimed data network for sharing data among plurality of workstations. This provides an additional reason for patentability of claims 31 and 42.

Yet additionally, in the Office Action, the Examiner cites col. 1, lines 42-46 of McNamara and then simply states that it would have been obvious to provide a video conference workstation simply because ADSL would have the bandwidth to carry video conferencing. This argument has as much merit as taking a statement that a capacitor may be used to carry video-frequency signals and from this concluding that a TV broadcasting system is subsequently obvious because a TV set can be added, without even providing a reference for a TV set. While Applicants are willing to work with the Examiner on legitimate points of patentability and make modifications of claims, this type of argument is largely vacant in substantive facts, inoperable and likely improper stretch far outside the rule and spirit of the 35 U.S.C. 103(a).

Similarly, the Examiner's position stated at page 12 of the Office Action that merely slapping Lindholm and McNamara atop the Stewart telephony monitoring system results in a

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

multimedia network is simply improper and inapplicable. Further as to Applicant's dilemma with parts of this Office Action, Examiner states at page 13 of the Office Action that Stewart at col. 10, lines 36-41 teaches a filter, generation of reports responsive to database queries, performs calculations or conditional tests on recorded event information, generates a machine-readable report file, or provides files comprising textual and graphical data is absolute misrepresentation fiction. However, Applicant again simply cannot find any of the alleged numerous teachings in the short 53 word-long passage of Stewart referred to by the Examiner. The Examiner is respectfully requested to specifically point out where the alleged teachings appear in the reference. In re Rijckaert, 28 U.S.P.Q.2d 1955,7 (Fed. Cir. 1993). Thus, claims 31 and 42 are patentable for this additional reason as well.

With respect to the rejection of dependent claims 32-39 and 41, while continuing to traverse the Examiner's characterization of the teachings of Stewart, Lindholm and McNamara used by the Examiner in rejecting these claims, Applicants respectfully submit that these claims are patentable by definition, by virtue of their dependence upon the patentable amended independent claims 31.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/018,441

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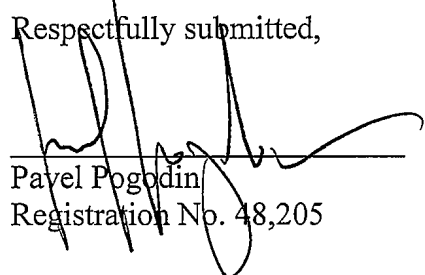
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